



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 13, 2006

Date of Meeting: May 9, 2006

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:37 p.m. on Tuesday, May 9, 2006 all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Vice Mayor, Council Member Ward 5
Nina J. Trasoff (arrived at 5:41 p.m.)	Council Member Ward 6
Robert E. Walkup	Mayor

Absent

None

Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Mike Letcher	Deputy City Manager

Kathleen S. Detrick, City Clerk, announced Susie Rogers, interpreter, would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Chaplain Scott McKinney, Tucson Fire Department, Fire Station Nine, after which the pledge of allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed May 7 to May 13 to be “National Safety Building Code Week”. Ernie Duarte, Development Services Director, accepted the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 229, dated May 9, 2006 would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Vice Mayor Leal announced that it was “National Correctional Officers Week” and acknowledged Correctional Officers for the work they do.
- b. Mayor Walkup reminded the public of the County’s Election, May 16, 2006. He pointed out the importance of the two issues to this region and encouraged everyone to get out and vote.

4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 230, dated May 9, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

There was no report.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager’s Communication number 225, dated May 9, 2006, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New License

1. Old Peking Chinese Restaurant & Sushi Bar, Ward 6
2522 E. Speedway Blvd.
Applicant: Laxiu Tian
Series 12, City 24-06
Action must be taken by: May 18, 2006
Staff has indicated the applicant is in compliance with city requirements.
2. 7-Eleven #17403D, Ward 6
1080 N. Columbus Blvd.
Applicant: Manju Mittal
Series 10, City 28-06
Action must be taken by: May 19, 2006
Staff has indicated the applicant is in compliance with city requirements.

Person Transfer

3. Park Ave Bar & Grill, Ward 5
4525 S. Park Ave
Applicant: Rose Mary Spencley-Gallegos
Series 06, City 34-06
Action must be taken by: May 22, 2006
Staff has indicated the applicant is in compliance with city requirements.
Considered separately at the request of Vice Mayor Leal.

Person/Location Transfer

4. European Market, Ward 6
4500 E. Speedway #36
Applicant: Olga Ivanovna Chausovskaya
Series 06, City 29-06
Action must be taken by: May 28, 2006
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event

1. Our Lady Queen of All Saints Roman Catholic Church, Ward 5
2915 E. 36th St.
Applicant: Albert P. Borboa
City T24-06
Date of Event: May 20, 2006
Charitable Church Programs
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change

1. K of C, Ward 5
1330 S. Mountain View Ave.
Applicant: George Joseph High
Series 14, City AC08-06
Action must be taken by: May 29, 2006
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Trasoff absent/excused) to forward liquor license applications 5b1, 5b2 and 5b4, 5c1, and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Person Transfer

3. Park Ave Bar & Grill, Ward 5
4525 S. Park Ave
Applicant: Rose Mary Spencley-Gallegos
Series 06, City 34-06
Action must be taken by: May 22, 2006
Staff has indicated the applicant is in compliance with city requirements.

Vice Mayor Leal said he did not ask for this application to be considered separately because there were protests. He commented that this site in the past had been a problem. Vice Mayor Leal stated the City was fortunate that a couple had come forward, Mary and Carlos Gallegos, who wanted to take it over. The new applicants acquired the location and changed the Park Avenue Bar and Grill to a great place and that was a positive change in the south side.

It was moved by Vice Mayor Leal, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Trasoff absent/excused), to forward liquor license application 5b3 to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA – ITEMS A THROUGH E

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

A. FINAL PLAT: (S05-253) CASA CLUB CONDOMINIUM, A CONDOMINIUM CONVERSION PROJECT

1. Report from City Manager MAY9-06-226 WARD 3

2. The City Manager recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- B. PROFESSIONAL SERVICES CONTRACT: FOR LEGAL SERVICES WITH LEWIS BRISBOIS BISGAARD & SMITH, LLP
1. Report from City Manager MAY9-06-227 CITY-WIDE
 2. Resolution No. 20335 relating to professional services; authorizing and approving the Agreement for Legal Services with Lewis Brisbois Bisgaard & Smith, LLP.; and declaring an emergency.
- C. FINANCIAL PARTICIPATION AGREEMENT: WITH THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR THE MERCADO AT MENLO PARK SUBDIVISION
1. Report from City Manager MAY9-06-224 WARD 1
 2. Resolution No. 20334 relating to Financial Participation Agreements; authorizing and approving a Financial Participation Agreement with the Rio Nuevo Multipurpose Facilities District for public infrastructure work at the Mercado at Menlo Park; and declaring an emergency.
- D. APPROVAL OF MINUTES
1. Report from City Manager MAY9-06-235 CITY-WIDE
 2. Approval of minutes for the regular meeting of the Mayor and Council held on April 11, 2006.
- E. FINANCE: PROVIDING FUNDING TO THE SOUTHERN ARIZONA COMMUNITY FOUNDATION FOR THE MONSIGNOR ARSENIO S. CARRILLO PLACITA/HALL FUND
1. Report from City Manager MAY9-06-237 CITY-WIDE
 2. Resolution No. 20338 relating to Finance; authorizing the expenditure of \$15,750.00 from the City Co-Sponsored Events Fund to the Southern Arizona Community Foundation for the Monsignor Arsenio S. Carrillo Placita/Hall Fund; and declaring an emergency.

It was moved by Council Member West, duly seconded, that Consent Agenda Items A through E, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott;
Vice Mayor Leal and Mayor Walkup

Nay: None

Absent/Excused: Council Member Trasoff

Consent Agenda Items A through E, were declared passed and adopted by a roll call vote of 6 to 0.

7. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

a. Michael Toney spoke about improving the Visitor and Trade Center.

(Note: Council Member Trasoff arrived at 5:41 p.m.)

8. PUBLIC HEARING: ZONING (C9-00-35) MILLSTONE II – INTERSTATE 10 R-2 TO C-2, REQUEST FOR TIME EXTENSION

Mayor Walkup announced City Manager's Communication number 228, dated May 9, 2006, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a request for a five-year time extension for the completion of the rezoning conditions. He asked if the applicant or representative was present and if they were aware of and agreeable to the proposed requirements.

Joe Millstone, the applicant, stated he was aware of and agreeable to the proposed requirements.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations. Mayor Walkup asked if there was anyone in the audience wishing to be heard on this item.

Hearing no one, he asked for a motion to close the public hearing.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

It was moved by Council Member Ibarra, duly seconded, to approve the request for a time extension in Case C9-00-35.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

The request for a time extension in Zoning C9-00-35 passed by a roll call vote of 7 to 0.

9. ZONING: (C9-00-03) NEW WORLD HOMES – 22ND STREET, SR AND RX-1 TO C-1, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's Communication number 232, dated May 9, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10275 by number and title only.

Ordinance No. 10275 relating to zoning: amending zoning district boundaries in the area located at the southwest corner of 22nd Street and Harrison Road in Case C9-00-03 (RZ06-35) New World Homes – 22nd Street, SR and RX-1 to C-1; and setting an effective date.

It was moved by Council Member West, duly seconded, to pass and adopt Ordinance 10275.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10275 was declared passed and adopted by a roll call vote of 7 to 0.

10. ZONING: (C15-05-03) ESTABLISHMENT OF ORIGINAL CITY ZONING FOR THE CONTRACTOR'S WAY ANNEXATION DISTRICT, COUNTY CI-2 TO CITY I-2, EXTENSION OF AIRPORT ENVIRONS ZONE, CITY MANAGER'S REPORT, AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager's Communication number 234, dated May 9, 2006, would be received into and made a part of the record. This was a request to establish original City zoning for Contractor's Way Annexation District. He asked the City Clerk to read Ordinance 10278, by number and title only.

Kathleen S. Detrick, City Clerk, announced a clerical error on page two of the Mayor and Council Communication. The date listed for the Zoning Examiner's public hearing was March 31, 2005 and it should have been April 6, 2006. This was under the approval/protest information on page two of the communication.

Ordinance No. 10278 relating to zoning; establishing original City zoning for approximately 3.02 acres generally located on the east side of Contractor's Way approximately 300 feet north of Ajo Way, which was annexed to the City of Tucson by Ordinance No. 10212, adopted on November 1, 2005; and setting an effective date.

It was moved by Vice Mayor Leal, duly seconded, to approve the request for zoning as recommended by the Zoning Examiner and pass and adopt Ordinance 10278, with the changes to the date on the Mayor and Council Communication as mentioned by the City Clerk.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10278 was declared passed and adopted by a roll call vote of 7 to 0.

11. ZONING: (C9-05-03) CAYLOR – SPEEDWAY BOULEVARD, R-1 TO O-1, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's Communication number 233, dated May 9, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10276 by number and title only.

Ordinance No. 10276 relating to zoning: amending zoning district boundaries in the area located on the southeast corner of Speedway Boulevard and Barbara Worth Drive in Case C9-05-03, Caylor – Speedway Boulevard, R-1 to O-1; and setting an effective date.

Council Member West commended Rob Caylor, the developer for listening to the neighborhood and doing everything the neighborhood asked him to do.

It was moved by Council Member West, duly seconded, to pass and adopt Ordinance 10276.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Member Ibarra, West, Uhlich, Scott, Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10276 was declared passed and adopted by a roll call vote of 7 to 0.

12. ZONING: (C9-03-02) N.K. ASPHALT – KOLB ROAD, SR TO I-1, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's Communication number 223, dated May 9, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10277 by number and title only.

Ordinance No. 10277 relating to zoning: amending rezoning conditions in the area located on the west side of Kolb Road, north of the Union Pacific Railroad in Case C9-03-02 N.K. Asphalt – Kolb Road, SR to I-1; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to approve the request for a change of conditions and preliminary development plan and pass and adopt Ordinance 10277.

Mayor Walkup asked if there was any discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10277 was declared passed and adopted by a roll call vote of 7 to 0.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's Communication number 231, dated May 9, 2006 would be received into and made a part of the record. He asked for a motion to approve the appointment in the report.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Joseph McLeesa to the Veterans' Affairs Committee.

Mayor Walkup asked if there were any personal appointments to be made.

Council Member West announced her personal appointment of Dr. Adela Allen as the Ward 2 representative to the Tucson/Pima County Women's Commission.

Vice Mayor Leal announced his personal appointment of Kathleen McLaughlin to the Citizen Sign Code Committee.

14. CITY MAGISTRATES: APPOINTMENT OF KATE DAWES AS A CITY MAGISTRATE (CONTINUED FROM THE MEETING OF MAY 2, 2006)

Mayor Walkup announced City Manager's Communication number 236, dated May 9, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10273, by number and title only.

Ordinance No. 10273 relating to City Magistrates; appointing Kate Dawes as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

Vice Mayor Leal called on Antonio Riojas, Presiding Magistrate of City Court, who had some additional comments to make to the Mayor and Council.

Antonio Riojas, Presiding Magistrate of City Court, announced that Judge Dawes had decided to withdraw her application for reappointment. He believed that Judge Dawes would be allowed to remain as a Magistrate until the position was filled, which would take about two or three months. He announced that Judge Dawes was present if the Council wished to hear from her.

Michael Rankin, City Attorney, stated Judge Riojas was correct in that Judge Dawes would remain in office until the vacancy was filled through the normal process, which would go through the City Magistrate Merit Selection Commission. He advised the Mayor and Council that the appropriate motion in this instance would be to request that the Commission begin the process to fill the vacancy.

It was moved by Vice Mayor Leal, duly seconded, and carried by a voice vote of 7 to 0, that the City Magistrate Merit Selection Commission move forward to fill the vacancy created by Judge Dawes' removal of her name and application as a candidate.

15. ADJOURNMENT 6:02 p.m.

Mayor Walkup announced the Mayor and Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, May 16, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 9th day of May 2006, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:sac/bt